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ESTATE OF LEVI B. BOYNTON, JR.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IFETAYO R. AZIBO-BOYNTON, an individual; and the ESTATE OF LEVI B. BOYNTON, JR. by and through personal representative IFETAYO R. AZIBO-BOYNTON,	) CASE NO. C10-04151
	)
	)
	)
	)
	)
Plaintiffs,	) EX PARTE REQUEST TO CONTINUE
	) APRIL 3, 2012 STATUS CONFERENCE;
	) ORDER THEREON
	)
	)
CITY OF PINOLE, a city governmental entity; TIM COUWELS, an individual; CHRIS FODOR, an individual; ZACH BLUME, an individual; PAUL M. CLANCY, an individual; and DOES 1-50, inclusive,	) Ex Parte Date: March 29, 2012
	)
	) Date of Status
	) Conference: April 3, 2012
	)
Defendants.	) Honorable Judge Nandor J. Vadas

Plaintiffs' counsel Linnea N. Willis hereby respectfully requests that the Court continue the April 3, 2012 Status Conference.

The Court vacated the hearing on the Motion to Compel Further Responses and ordered the parties to meet and confer by March 30, 2012. *See Docket Sheet #72*. In the same Order, the Court set a Status Conference for April 3, 2012. *See id.* The parties have a 3pm meeting today March 29, 2012 to conduct an in person Meet and Confer as ordered by the Court. However, Plaintiffs' counsel is unavailable on April 3, 2012 for a Status Conference, because Plaintiffs'

1 counsel is currently scheduled to be in Florida taping a television interview for the Today Show  
2 with another client, Dennis Rodman. Plaintiffs' counsel was just informed of this interview late  
3 yesterday (March 28, 2012), and is in the process of obtaining further details. Plaintiffs' counsel  
4 was already scheduled to be out of state next week and was already going to request a  
5 continuance of the April 3, 2012 hearing, but now Plaintiffs' counsel needs to continue the  
6 hearing on this basis. The filming is currently scheduled for Tuesday April 3, 2012 in Florida.  
7 Because of the uncertainty of the interview schedule and the time length, it does not appear  
8 possible to conduct the Status Conference even by telephone.  
9

10 The Status Conference is important to Plaintiffs' counsel, and Plaintiffs' counsel does not  
11 want to send anyone else to make the Status Conference appearance for her.

12 Plaintiffs' counsel requested that Defendants' counsel stipulate to a continuance of the  
13 April 3, 2012 Status Conference on three occasions, but was just told yesterday March 28, 2012  
14 by counsel McPherson that "I can't stipulate." As a result, Plaintiffs' counsel is forced to bring  
15 this Ex Parte Request.  
16

17 It is therefore respectfully requested that the Court vacate the April 3, 2012 Status  
18 Conference, and re-set it to the following week at the earliest. Plaintiffs' counsel is scheduled to  
19 be out the rest of the week of April 2-6, 2012. Plaintiffs' counsel is available April 9, 10, 11, 16,  
20 17, 18, 23, 24, 25, 26, 27, and other dates. Plaintiffs' counsel can be reached by the Court  
21 anytime on her cell phone at (510) 589-0207 if the Court needs to address the date.  
22

23 RESPECTFULLY SUBMITTED,

24 DATED: March 26, 2012

/s/ Linnea N. Willis

LINNEA N. WILLIS, Attorney for Plaintiffs  
IFETAYO R. AZIBO-BOYNTON and  
ESTATE OF LEVI B. BOYNTON, JR.

**SUPPORTING DECLARATION OF LINNEA N. WILLIS**

I, Linnea N. Willis declare as follows:

1. I am the attorney for Plaintiffs in the matter and am duly licensed to practice before all states in California. I have personal knowledge of the information set forth within, except for those matters stated on information and belief, and as to those matters I believe them to be true. I would competently testify to the matters set forth within as stated below.

2. I respectfully request that the April 3, 2012 hearing be continued as set forth within. I was already originally scheduled to be out of the office the entire week of April 2-6, 2012. And now I was told that I am currently scheduled to be in Florida on Tuesday April 3, 2012 to film an interview with the Today Show for one of my other clients, Dennis Rodman. As of the filing of this Ex Parte Application, I have been told that we will tape on Tuesday April 3, 2012, but I am still awaiting the schedule for that day and other details.

3. It therefore does not appear that I can guarantee that I will be available to conduct this very important Status Conference. And I do not want someone else to appear telephonically for me for this Status Conference. This Status Conference is extremely important to me.

4. Since the Court first set the Status Conference, I made requests to opposing counsel on March 20, 2012, March 23, 2012 and March 28, 2012 asking if they were agreeable to continue the Status Conference. Yesterday March 28, 2012, I received an email from Ms. McPherson saying "I can't stipulate." Therefore I am filing this Ex Parte Request.

1 5. The parties have a 3pm meeting today to Meet and Confer in person as ordered by  
2 the Court. Therefore, I currently see no reason that we will not be able to conduct our in  
3 person Meet and Confer by the March 30, 2012 deadline.

4 6. However, I respectfully request that the Court vacate the April 3, 2012 Status  
5 Conference, and re-set it to the following week at the earliest. I am scheduled to be out  
6 the entire week of April 2-6, 2012. I am available April 9, 10, 11, 16, 17, 18, 23, 24, 25,  
7 26, 27, and other dates. I can be reached by the Court anytime on my cell phone at (510)  
8 589-0207 if the Court needs to address the date or any other issues.  
9

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct and executed on this day in Oakland, California.

12 RESPECTFULLY SUBMITTED,

13  
14 DATED: March 26, 2012

/s/ Linnea N. Willis

LINNEA N. WILLIS, Attorney for Plaintiffs  
IFETAYO R. AZIBO-BOYNTON and  
ESTATE OF LEVI B. BOYNTON, JR.

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16  
17  
18 **ORDER THEREON**

19 The above Ex Parte Application is GRANTED.

20 The Status Conference currently scheduled April 3, 2012 at 11:00 a.m. is vacated  
21 and continued to April 10, 2012, 2012 at 1:30 pm a.m./p.m. before this Court.  
22

23 IT IS SO ORDERED.

24 DATED: March 30, 2012



HONORABLE JUDGE NANDOR J. VADAS